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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,415	11/29/2000	Rakesh Taori	PHN 17,762	9540
24737	7590	10/04/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CHAWAN, VIJAY B	
			ART UNIT	PAPER NUMBER
			2654	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,415	TAORI, RAKESH	
	Examiner	Art Unit	
	Vijay B. Chawan	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4,5 and 9-11 is/are allowed.
- 6) Claim(s) 1-3,6-8,12-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4-5, 9-11 are allowed over cited prior art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAulay et al., (4,885,790) in view of George et al., (5,504,833).

As per claim 1, McAulay et al., teach a method of coding a audio signal comprising the steps of:

subdividing the sound signal into a plurality of segments, each segment is coded to a corresponding frame wherein the sound signal is coded to a corresponding frame, wherein the sound signal is represented as a set of sine waves defined by their amplitude and frequency (Col.2, lines 4-5, 38-43);

grouping the frames into n streams (Col.2, lines 3-13: components are tracked from one frame to the next, and values are interpolated of the components from one

frame to the next to obtain a parametric representation of the waveform. This is equivalent to numbering and subdividing frames in a number of streams).

McAulay et al., however while teaching buffers to store data, specifically do not teach storing the amplitude and the frequency of each sine wave in a segment in a frame, independently of other segments. George et al., do teach storing parameter data, which is equivalent to storing the amplitude and the frequency of each sine wave (which are data parameters) in a segment in a frame, independently of other segments (Fig.12, item 1211, Col.16, lines 45-59). Therefore it would have been obvious to incorporate the storing of data as taught by George et al., in the method of McAulay et al., because an artisan would realize that this would provide a method with the ability to synthesize sounds with computational efficiency.

As per claim 2, McAulay et al., teach the method of claim 1, wherein the phase of each sine wave in a segment is stored in the frame corresponding to this segment (Col.8, lines 1-3, 13-15, 34-35, Fig.6, item 40).

As per claim 3, McAulay et al., teach the method of claim 1, wherein n equals 2 (Col.2, lines 12-13, a series of sine waves are generated and the number of waves is more than 1, i.e., 2).

As per claim 12, McAulay et al., teach the method of claim 1, wherein the frames are numbered and grouped into n streams, where frame number is (i) is assigned to stream (i) modulo-n (Col.8, lines 1-3, 13-15, 34-35).

Claims 6-8, and 13 are directed toward a system to implement the method of claims 1-3, and 12, and are rejected under similar rationale.

Response to Arguments

4. Applicant's arguments filed 6/14/05 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, McAulay et al., however while teaching buffers to store data, specifically do not teach storing the amplitude and the frequency of each sine wave in a segment in a frame, independently of other segments. George et al., do teach storing parameter data, which is equivalent to storing the amplitude and the frequency of each sine wave (which are data parameters) in a segment in a frame, independently of other segments (Fig.12, item 1211, Col.16, lines 45-59). Therefore it would have been obvious to incorporate the storing of data as taught by George et al., in the method of McAulay et al., because an artisan would realize that this would provide a method with the ability to synthesize sounds with computational efficiency.

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6. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vijay B. Chawan
Primary Examiner
Art Unit 2654

VIJAY CHAWÁN
PRIMARY EXAMINER

vbc
9/30/05